

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

MAR 17 1997

Maria C. Engel
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL)
16-19-68)

RULE 97-33

A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the amendment of SDCL 16-19-68, and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is ORDERED that SDCL 16-19-68 be and it is hereby amended to read in its entirety as follows:

16-19-68. Answer by attorney to formal accusation - Reference to receive evidence and recommend disposition - Judgment on admission by attorney. The accused attorney shall answer the formal accusation within thirty days and admit or deny the allegations therein; the issues joined thereon shall in all cases be tried by the Supreme Court, but the Court may refer said matter for the taking of testimony and the making of findings and recommendations. Such reference may be to any circuit court judge in this state or to a referee or referees appointed by the Court in the same manner as provided by law for the reference of cases in the circuit court so far as applicable. If the accused attorney admits the allegations or fails to answer the formal accusation, the Court shall proceed to render such judgment as the case requires. If the referee recommends suspension or disbarment, the referee shall also make a finding as to the qualifications of the accused attorney to act as a legal assistant and make a recommendation as to the restrictions or conditions of employment and supervision if the accused is allowed to act as a legal assistant under §§ 16-18-34.4 to 16-18-34.7, inclusive.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1997.

DATED at Pierre, South Dakota, this 17th day of March, 1997.

BY THE COURT:

ATTEST:

Maria C. Engel
Clerk of the Supreme Court
(SEAL)

Robert A. Miller
Robert A. Miller, Chief Justice